

HOUSE BILL 1042

By Gilmore

AN ACT to amend Tennessee Code Annotated, Title 55,
Chapter 8, relative to use of mobile phones while
driving in school zones.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, Part 2, is amended by
adding a new section thereto, as follows:

55-8-202.

(a) No driver shall use a hand-held mobile telephone while the vehicle is in
motion in a marked school zone in which a warning flasher or flashers are in operation.

(b) For the purposes of this section, unless the context otherwise requires,
“mobile telephone” means a cellular, analog, wireless or digital telephone.

(c) A violation of this section is a Class C misdemeanor, subject only to
imposition of a fine not to exceed fifty dollars (\$50.00) and court costs not to exceed ten
dollars (\$10.00), including, but not limited to, any statutory fees of officers. No state or
local litigation taxes shall be applicable to a case prosecuted under this section.

(d) This section shall not apply to the following persons:

(1) Officers of the state or of any county, city or town charged with the
enforcement of the laws of the state, when in the actual discharge of their official
duties;

(2) Campus police officers and public safety officers, as defined by § 49-
7-118, when in the actual discharge of their official duties;

(3) Emergency medical technicians, emergency medical technician-
paramedics and firefighters, both volunteer and career, when in the actual
discharge of their official duties; or

(4) Emergency management agency officers of the state or of any county, city or town, when in the actual discharge of their official duties.

(e) It is an affirmative defense to prosecution under this section, which must be proven by a preponderance of the evidence, that the driver's use of a mobile telephone was necessitated by a bona fide emergency.

(f) A traffic citation that is based solely upon a violation of this section shall be considered a nonmoving traffic violation and no points shall be added to a driver record for the violation.

(g) The department of transportation is directed to utilize the department's permanent electronic overhead informational displays located throughout this state to provide periodic messages to the motoring public as to the provisions of this section.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.